EXPECTS TO BREAK THE STRIKE TO-DAY

Edwards Has Promise of Men to Give Him Three Drivers to Every Cart.

MAYOR WON'T ARBITRATE

Sympathetic Walkout of Union Teamsters Is Threatened-Much Garbage Removed —Fewer Disorders.

Mayor Gaynor paid his first visit to the Street Cleaning Department to be permitted to return to work this mornof his visit to "Big Bill" was to look over the records of the work done and see what the prospects were for the fut-As he left the office he was asked what he thought of the situation.

he said. "Everything is going than went out when this hap-

the city stand pat?" he I haven't said anything about that,"

he replied. "You mustn't quote me on anything I haven't said." The same question was put to Com-

missioner Edwards five minutes later. "I haven't received any orders other wise," he said. "You heard what the

Mayor said about the situation. After he had looked over the figures he said to me that he was very happy over the sit William H. Ashton, the strike leader,

dicted a general sympathetic teamsters'

Gaynor about the men going back to ways. work this morning and their grievances scribed. being settled by an arbitration commitlet those men return to work been forced out by intimidation. The DYNAMITE CAPS KILL BOYS back in this way.

Mayor Won't See Ashton.

When the express wagon drivers were on strike a year ago Ashton made him-

not think the Mayor would have lost eral Hospital. any dignity in seeing me. Many men of and been glad of it afterward. As the and it is supposed they were experiment-Teamsters' Union to-morrow night, Judg- smashed by the force of the explosion, ing from the present sentiment, a general strike is likely. I do not believe it will STUDENT WAITERS STRIKE be possible to hold the men back after a

There was little disorder yesterday, the police having the situation well in hand. William C. Rodgers, chief mediator of the Bureau of Mediation and Arbitration of the State Labor Department, came down from Albany yesterday to be on the ground to undertake a settlement if the threatened general strike was called.

"It is a question," he said, "if the state has any right to intervene in the street cleaners' strike. These drivers are civil service employes and are practically city officers. Their quitting work was not a strike in the same sense as a strike against private employers or corporations, but if the threatened general strike of teamsters outside of the city employes is ordered it becomes the duty of the State Labor Department to try to bring

Michael J. Reagan, one of the mediators of the State Labor Department, went to the City Hall with Ashton and Mayor. Ashton's proposition was put to in the following report yesterday: the Mayor by Reagan and refused. A committee from Brooklyn, headed by the Rev. J. Howard Melish, of Holy Trinity Church, brought over the same plan, and b they, like a hundred other callers who kept the Mayor busy all day, were

Offer to Man All the Carts.

Henry R. Towne, president of the Merchants' Association, and Joseph M. Price, chairman of the committee on streets of the City Club, on the other hand, assured the Mayor that they were heartily in favor of the stand he had taken, and told him that a call would bring out all the citizens needed to man

"I will call on you, if it is necessary," the Mayor said. "In the meantime the householders must be patient and not nag me. The department is being reorganized and it may take two months. Many of the new men have to be taught their work, and the requisite number can only be taken on gradually."

Commissioner Edwards also spoke of the reorganization of the department and when James A. Waddell, with whom the commissioner is conducting the negota- digo blue of tail, the fowls came into the election to the most exclusive of Fifth structed to stop the practice. tions for strike breakers, was asked why world a short time ago. it took so long to supply strike breakers,

Continued on second page.

UNCLE SAM

proposes a separate aeroplane corps for the National Guard of each State in the Union. How this is to be brought about will be told in next

Sunday's Tribune

RECORD AVIATION SPEED Charles T. Weymann Maintains 72 Miles an Hour for 2 1/2 Hours.

Paris, Nov. 13 .- In the military aviation trials to-day the American aviator about seventy-two miles an hour, which is claimed, beats the record by any method of locomotion for sustained speed. Weymann carried a passenger

ADULTERATION WIDESPREAD One-third of Foods and Drugs

Examined Found Unfit. Washington, Nov. 13 .- More than three thousand samples of imported food and drugs analyzed at entry ports during the last year were found to be misbranded We have more men at work to- or adulterated. This was almost one third of the number examined.

Similar results attended the work of the inspection force of the Bureau of Chemistry in its examination of interstage foods and drugs, among 9,500 samples 3.113 having been found to be misbranded or adulterated.

WELLESLEY SENIOR GRIEVED Feels That Efforts to Build Union Are Unappreciated.

thy Applegate, of Brooklyn, a senior at lobby, hoping that something might turn of the new Opera House in opposition to took a less optimistic view. He was Wellesley, is disturbed over the attitude among the earliest of those who called of a certain clique in college who do not remained until well on into the second on the Mayor yesterday, and after the favor the erection of the Wellesley Mayor had refused to see him he pre- Union, an everyday college woman's gradually wended their ways sadly clubhouse. She has devoted her college homeward career toward raising funds for the erec-Ashton wanted to talk with Mayor tion of this building by many and varied To date \$23,000 has been sub-

plegate's untiring efforts. Last year she Under the five-day clause nearly ruined the college inn and the village tea shops when she instituted fast days. She organized silent parties without passing another civil tablishment of an up-to-date shoe polexamination and taking their ishing parlor in College Hall, where she regular turns on the list. Ashton's plan and other college girls black the shoes of the students.

get from 85 to 90 per cent of the men Three Rochester Lads Meet tickets the speculators had obtained they Death in Explosion.

IRy Telegraph to The Tribune Rochester, Nov. 13.-While playing The traffic arrangements were excelwith four boxes of dynamite caps, which lent, carriages arriving and departing self very popular with Mayor Gaynor. they had stolen from the Rochester Lime from all three doors. The police, num-"If all the men were like you," the Company in West avenue this afternoon, bering about twenty, were under the Mayor said to him, "there wouldn't be William Perry, eight years old, Archie command of Inspector McClusky and the old one in its luxurious appointments Clark, twelve years old, and John Mc- Captain O'Brien. People arrived early, and the beauty of its decorations. The Yesterday when Ashton arrived at the Guire, fourteen years old, met their death so it was comparatively easy to place City Hall and asked to see the Mayor when the caps exploded. Perry was in- them, although the hinge of one of the the Mayor's reply was: "I won't see stantly killed, his body being hurled Broadway doors was broken shortly behim. I won't ever have anything to do twenty feet into a tree. Clark and Mc- fore the rise of the curtain by the push-Guire were so fearfully lacerated that ing of the crowd. After this rebuff Ashton said: "I do they died soon after reaching the Gen-

The boys stole the caps, which number Mayor has refused to arbitrate, the ing with them, in an alley back of their question of a sympathetic strike of all homes in Reynolds and Wooden streets, the teamsters throughout the city will when the accident occurred. Several greatly augmented when at the rise of Beresford, Lady Alington, the Duchess to the Pacific shore in spite of the fall be decided at a meeting of the Greater houses near by were partly wrecked and New York Executive Council of the windows in a radius of several blocks

Don't Like Butter Left by Cornell "Co-eds."

nell students who, in working their way through the university, are walters on the tables of the co-eds in Sage Dormitory, struck to-day. As a consequence, the 400 girls were compelled to wait on plause, which was greatly increased after themselves. The occupation was not to her scene with Miss Destinn in the sec their liking, and there was considerable ond act. grumbling among them, but they either had to get their own food or go hungry.

The boys struck, they say, because they back to the kitchen from the girls' tables. and also to drink milk they believed had heen watered.

STOPS HORSES: TELLS HOW Six Citizens and Three Brother Officers See Patrolman's Act.

Mounted Patrolman William J. Leniafterward returned alone and saw the han, attached to Traffic Squad C, turned

> While on strike duty at Morningside av nue and 122d street I saw a team of horses attached to an express wagon, owned by out for numerous curtain calls, and both

attached to an express wagon, owned by the Adams Express Company and driven by John McNelli, of No. 507 West 59th street. I saw the team take fright at some paper blown against their feet and run away east on 122d street.

I pursued said team, mounted on the department horse Pierpont No. 554. At Eighth avenue and 122d street I narrowly escaped being hit by a northbound surface car. I continued the chase, and being immeded by tinued the chase, and being impeded by the swinging of the wagon from side to side I could not get close enough until nearing Seventh avenue.

I perceived a number of school children

tly in my way. I urged my horse for-regardless of the imminent danger ie swinging wagon and an automobile avenue. I grabbed the near th such force that Then, unseated, I

The report showed that nine persons witnessed the patrolman's action in stopping the runaway team, six of them \$13,000. being citizens and three brother officers.

THESE HENS ARE PATRIOTS

flaunting the national colors at the poultry farm of Dr. I. G. Royte here. Bright York society, and to secure a "loge" there red of head, pure white of body and in- was even more difficult than to obtain

OPERA SEASON OPENS: 1,000 ARE TURNED AWAY

Crowd Unhinges Door and Lingers Longingly-Speculators Have Poor Pickings.

GOLD HORSESHOE GLITTERS

Caruso Heads Cast in "Aida," and Barely Misses Accident-With Miss Destinn and Amato Takes 14 Curtain Calls.

and about 650 pounds of fuel and bal- brilliant in American society shope as it gergeous of operas, Verdi's "Aïda." For this opera Giulio Gatti-Casazza had put his best foot forward, and promised : world could equal.

> Enrico Caruso was Radames, Miss Emmy Destinn Aida, Mme. Marguerite Matzenauer Amneris, Pasquale Amato William Hinshaw the King, while in the conductor's stand and in supreme con trol was the wiry figure, a figure the very anotheosis of energy, of Arturo Toscanini. The house had been sold out several

days before, and outside a few seats that had found their way into the handof the speculators, there was nothing to be had for the general public

Even the admissions were all sold at hour before the curtain rose. Despite Wellesley, Mass., Nov. 13.-Miss Doro- this, a large crowd waited in the outside a long interval in the opening to-night act, but nothing occurred, and they

One Thousand Were Turned Away.

to 300 per cent.

The Curtain Rises.

The boxes alone were scantily filled trons of the new enterprise. during the first act, but as the opera progressed the late diners began to arrive, until the great horseshoe was a plaze of light, and diamonds called to Ithaca, N. Y., Nov. 13.-Fifty male Cor- warm applause, and Mr. Caruso was urday insisted upon certain structural

> The appearance of Mme. Matzenauer also was the signal for some slight ap-An Amusing Incident.

An amusing incident occurred during Radames's triumphal entrance in the were obliged to eat butter that had come second act. Radames, in the person of aruso, entered in a chariot drawn by three white horses, but just as he was bout to turn down the inclined plane sudden tip, and for a moment Mr. Causo, with a pained expression on his face, was seen to be struggling to keep ais equilibrium.

Happily he did so, and the incident assed off with his safe arrival before the throne.

The applause after this act was most enthusiastic, the principals being called Miss Destinn and Mme. Matzenguer receiving floral wreaths.

The greatest applause, however, came at the end of the Nile scene, when Miss Destinn, Mr. Caruso and Mr. Amato received fourteen curtain calls, and the stage was banked with floral pieces, one of them, a gift to Caruso from the Italian Society, being eight feet high. The applause was especially warm when, after Miss Destinn had vainly attempted to make Caruso take the stage alone, the tenor came out from the wing and with low bow presented Miss Destinn with single red rose.

John Brown, business controller of the would amount to between \$12,500 and

Society at the Opera-

To many the most interesting portion of Mountain View, Cal., Nov. 13. Patriotism the house is the parterre row. The boxes avenue clubs. But of late years the so-No Thanksgiving dinner without Angos-tura Bitters, world renowned appetizer, ex-quisite flavor. Advt.

STARS AT THE FIRST OPERA OF THE SEASON. ARTURO TOSCANINI. ENRICO CARUSO. PASQUALE AMATO.



Season with "Quo Vadis."

MUCH ENTHUSIASM SHOWN

Mlle. Vallandri and Jean Berkin Create Excellent Impression in Leading Roles.

(By Cable to The Tribune ! London, Nov. 13 .- The rivalries of Mapleson and Gycare were reproduced after

Jean Nougues bimself conducted the

tone, and Jean Berkin was a picturesque figure as Nero watching the destruction of Rome, defying the angry mob and leading a Bacchanalian dance.

The new Opera House easily surpasses box holders had reception rooms where they met friends between the acts, and is said. music lovers in the cheaper sections were delighted at the arrangements made for their comfort.

The Lord Mayor and Sheriffs of Lon-The curtain rose at 8:03 o'clock, at don attended in state, and the Ameriwhich time the major portion of the can Ambassador and Mrs. Reid and arrival in the conductor's stand brought were present. Alfred De Rothschild, the forth a ripple of applause, which was Duchess of Marlborough, Lady Charles the curtain, Mr. Caruso was discovered of Devonshire, Lady Cunard and other leaders of society were among the pa- fly twenty-three miles to complete his

after urgent calls made a felicitous acknowledgment.

The opening of the new Opera House rubles and were answered by sapphires. narrowly escaped being postponed, the feet at Compton, added that he expected The "Celeste Alda" brought forth London County Council having on Sat- to complete his flight just as soon as he forced to bow several times before he alterations, which delayed the granting bruises and sprains resulting from yesof a license until only ten minutes before the rise of the curtain.

DR. KNABE SCIENCE VICTIM? Woman Physician Thinks Death Neither Suicide Nor Murder.

Elwood, Ind., Nov. 13.-Interest in the mysterious death of Dr. Helen Knabe. the Indianapolis physician who was found dead with her throat cut in her eading to the stage the charlot took a spartments there, has shifted to this city as a result of the appearance of a woman and fifty persons and a string of autowho represented herself as Dr. Carrie mobiles, grocery wagons and baby car-

she was working was that the death of from her house to Central Park last attempt was made by two priests to sep-Dr. Knabe was neither suicide nor mur- night. Mrs. de Hority is something of arate a Catholic wife from a Protestant der, viewed from a scientific standpoint, a sprinter, and led the pursuit by one She says the death came about through hundred feet. She and her husband were an attempt to further science. She al- going into their home when she recogleges that a patient in whom Dr. Knabe nized a coat and bag two men coming and two other physicians were deeply out of the door had with them. Mrs. de interested had an ailment that was dry- Hority did not wait. She started after ing up the blood, and it was the theory the men. of Dr. Knabe that the woman's life could be saved if two quarts of blood and dropped the coat at 108th street. He could be obtained from a perfectly got away. Mrs. de Hority followed the healthy specimen of man or woman to other. As he leaped the park wall she be injected into the patient's veins, grabbed his leg, but he kicked himself Then the question arose of using a ther- free. Detective Quinn, of the West 100th mos bottle to transport the blood from street station, shot at him, and he gave the healthy patient to the sick one.

nuch of her blood resulted fatally, and Mrs. de Hority got back the bag, which other persons-her friends-cut Dr. the police said contained \$150 worth of company, said that the total receipts Knabe's throat in order to make it appear she had been murdered. LIVE FISH BOILING PROHIBITED.

fors be permitted to catch fish in Yellow stone Lake and cook them immediately in were formerly restricted with the utmost a hot spring conveniently nearby. The severity to the innermost circle of New American Humane Association objected to this method of cooking fish, so the superintendent of Vellowstone Park has been in-

> DEWEY'S SUPERIOR PORT WINE. H T Dewey & Sons Co., 138 Fulton St.N. Y

(Copyright, 1909, by H. Mishkin.) RETURNS MORGAN'S CHECK

EMMY DESTINN.

Harvard Rejects Application for Football Tickets.

Boston, Nov 13.-It was learned to- ter is given to Mrs. Tarkington, but Mr. lay that the check sent by J. Pierpont Tarkington is permitted to have the elected president of the Press Publishing Morgan to the Harvard Athletic Association in payment of tickets for the Hartickets will be issued to Mr. Morgan, bewere not for his personal use.

The time limit for applications has expired, and if Mr. Morgan wants to attend

MORGAN DEAL IN CANADA signed statement:

chased for N. Y. Capitalists.

Winnipeg, Man., Nov. 13.—A deal for the purchase of the Winnipeg Electric Railway and its landed enterprise on a basis of \$300 a share was completed to-

the purchasers, New York capitalists, it banker and capitalist of this city. She

RODGERS TO FINISH FLIGHT Ocean-to-Ocean Aviator Recovering from His Fall.

Pasadena, Cal., Nov. 13.—Calbraith P. to-day recovered consciousness long enna and New York, which, it appeared, enough to declare that he would yet fly appealed strongly to her husband, he suffered yesterday, while trying to ocean-to-ocean flight. He muttered to Oscar Hammerstein was happy, and his attendants: "Oh, I'll finish that flight, all right."

The aviator, who suffered concussion of the brain in his fall of more than 100 was sufficiently recovered from the terday's accident.

Physicians said that his injuries would result in no complications, and it is expected he will be able to complete his journey in about ten days. Meantime, his aeroplane, which was shattered in the fall, is being rebuilt at Long Beach.

WOMAN LEADS THIEF CHASE Recognizes Coat and Bag and One Man Is Caught.

Leading a mob of about one hundred riages, Mrs. Charles E. de Hority, of No Dr. Gregory said the theory on which 147 West 165th street, chased a burglar

One man turned up Manhattan aven up. At the station he said his name was Finally the woman physician in her Charles Kelly, of No. 201 West 38th enthusiasm decided to give two quarts of her own blood, but the taking of so force the door of the de Hority home.

JOSEPH PULITZER'S WILL MADE PUBLIC

Names Trustees for Newspapers, but Puts Control Eventually in Hands of Sons.

MUSEUM GETS \$500,000

Document, Which Is To Be Filed To-day, Ratifies Plans for School of Journalism-Provides for Scholarships

Copies of the will of Joseph Pulitzer codicils are attached to the original in Mr. Pulitzer died. By the terms of the dispositions made

by Mr. Pulitzer public bequests amounting to more than \$2,000,000 are made which include \$1,000,000 to Columbia University for the establishment of a school of journalism, \$250,000 as the "Pulitzer Scholarship Fund," and \$500,-000 to the Metropolitan Museum of Art. several of his newspaper and persona; newspapers owned by him, "The World" and "The St. Louis Post-Dispatch," are left in trust for his sons and their male issue during the lives of the two youngest sons. Mr. Pulitzer set forth the pur pose of this trust, particularly as to "The World," in a codicil dated in 1909, in

particularly enjoin upomy descendants the duty I particularly enjoin upon my son and my descendants the duty of preserving, perfecting and perpetuating "The World" newspaper, to the maintenance and publishing of which I have sacrifice my health and strength, in the same spiri in which I have striven to create and conduct it as a public institution, from mo duct it have more area.

Mrs. Tarkington's five-year-old daughchild for one month each year and "at Company ("The World"), as one of the such other times as the court may ap- trustees of his estate, naming his second prove after application has been made son, Joseph, when he shall reach the age of thirty, and his youngest son, Herbert, when he shall reach the age of twenty-Mrs. Tarkington in her complaint had

Names Trustees for Papers

with cruelty and that they had lived pers, subject to declination or death. ord this afternoon Mrs. Tarkington made One of those named was Justice Charles public, through her attorneys, this E. Hughes, of the United States Supreme Court, who had to decline on account of Comique in Paris, became a favorite at once as Eunice, singing with purity of Rives, J. Angus Shaw, treasurer of the Press Publishing Company; Frederick N.

Ralph Pulitzer made a statement last Mrs. Tarkington is the daughter of the J. P. Mergan is financing the deal for late Stoughton J. Fletcher, a wealthy night in which he said the omission from his father's will of his name as one of is a writer of verse and has contributed the trustees was not due to any lack of

> Indianapolis gossip said at the time the marital troubles of the Tarkingtons first a came to light that the disagreement was due primarily to the husband's love of travel. Mrs. Tarkington, her friends declared, liked a quiet existence, far removed from the night life of Paris, London, Vi-

The author, in discussing the action brought by his wife last month, concurred " in the views expressed by his Indianapolis

DIFFER IN VIEWS OF LIFE

Plaintiff, After Suit Is Over, Says

Former Husband Did Not

Mean To Be Unkind.

Indianapolis, Nov. 13 .- A decree of ab-

solute divorce was granted in the Supe-

Fletcher Tarkington, wife of Booth

Tarkington, the novelist and playwright,

Mrs. Tarkington had not asked for all-

ton did not contest the suit.

After the decree of divorce was of rec

"You see," he said, "the real trouble is

TYRONE PRIESTS ACCUSED Tried to Part Catholic Wife and

Protestant Husband. Ry Cable to The Tribune. I London, Nov. 14.-The notorious Mc-Cann case, with its exposure of the working of the ne temere decree, has been paralleled in the County Tyrone, were, according to sworn statements, an

THIEVES BUSY AT Y. M. C. A. Members of Bedford Avenue Branch Much Disturbed.

Brooklyn Y. M. C. A. is greatly perturbed over three robberies that have occurred since Saturday. The value of the things taken is about \$200. The victims are Edward C. McGill, Philip J. Kohler and a young man by the name of Sield, all of whom make the building trustee in the will of 1904. In March their home.

The Bedford avenue branch of the

McGill works at the New York and Washington, Nov. 13.-No longer will vis- Widow Says His Services Were Not missing. He reported his loss to the

> financier's vidow for stand for protessional services. Dr. Frankel said he attended the their rooms, too, had been entered. It recall this code services. Dr. Frankel said he attended the services. Dr. Frankel said he attended the their rooms, too, had been entered. this codicil was prepared by me. You railroad man from March to September, Sield's losses included a satchel and a father was far from well and was very defeated. Mrs. Harriman answered, acknowledging the services, but denying that they were, worth \$4.500.
>
> Mar. Harriman answered, acknowledging the services, but denying that they were, and a sircus of starting at the earliest practice of a sircus of starting at the earliest practice. The new overcoat. In its place he found an action of the services, but denying that they were, and a starting at the earliest practice. The new overcoat. In its place he found an action of the services, but denying that they were, and a strong and a strong at the earliest practice. The new overcoat is a strong at the earliest practice. The

which he said:

alleged that the defendant treated her one.

Judson, of St. Louis, and Robert Weeks

confidence in him, but was due to an inadvertence. His statement follows: One of the terms of my father's will lemands an explanation.

He left his estate, including the stock of the companies publishing "The Newfork World" and "The St. Louis Post-Disatch," in trust, with the knowledge and

But his will, as it stands, fails to name me as executor or trustee, now or at future time. The only possible infer to be drawn from this omission of name, if left unexplained, would be a

"You see," he said, "the real trouble is that I have been obliged to travel a great deal, going to all sorts of places and mingling with all sorts of people to get material and color for my stories.

"To a woman who loved home life and a quiet existence this became unbearable, and who can blame her? She asks for the custody of our five-year-old girl. I suppose that is right. Her mother is the best one to have the care of her."

In speaking of the separation which preceded the filling of the suit for divorce Mr. Tarkington said he had never intended to sue for separation, as some of his wife's friends asserted.

TYPONET DRIFCES ACCINETA

Mr. Hornblower's letter follows: Hornblower, Miller & Potter, 24 Broad street, New York, Nov. 8, 1911.

Ralph Pulitzer, Esq.
My dear Mr. Pulitzer: In justice to
yourself, I wish to state to you that in my
yourself, I wish to state to you that about and your brother Herbert, when he should arrive at the age of twenty-one years. It preparing the draft will I inserted you name in accordance with his instructions. The draft will was never completed of submitted to him in shape for execution t was in his possession at the time o its sudden and unexpected death while the trace of the subject and was received head

Name in Will of 1904.

Charles Kelly, of No. 261 West 38th street. A jimmy was found in his pocket, which detectives said had been used to force the door of the de Hority home. Mrs. de Hority got back the bag, which the police said contained \$150 yorth of silver.

HARRIMAN'S DOCTOF SUES

Widow Says His Services Were Not Worth \$4,500.

Dr. Joseph Frankel, one of the physicians who attended the late Edward H. Harriman, brought suit yesterday against the financier's widow for \$4,500 for professional services. Dr. Frankel said he attended the services were not contained to the strength of silver.

MeGill works at the New York and Brooklyn Casket Company. He left his proof of the New York and Brooklyn Casket Company. He left his proof of the growing returning to the Y. M. C. A for luncheon. After eating he went to his room and found the Y. M. C. A for luncheon. After eating he went to his room and found that it had been ransacked. A ring, a suitcase two suits of clothes, a mandolin and several articles of clothing were missing. He reported his loss to the main in charge of the building, stating that the goods taken were worth about \$150.

Sield and Kohler reached their rooms that day if appeared that you were not so named as an executor or trustee, and when the conjugation of the codicit. This codicit he revoked the provisions of the will as to his executed by him on his yacht just prior to his devenue and rustees by this codicit he revoked the yor provisions of the will as to his executed by him on his yacht just prior to his devenue for Europe for an extended absence. When you spoke to me about the main in charge of the building, stating that you had been named as one of the examining, however, the copy of the codicit of succinct form the provisions of the will as to his executions of the will as to his executions of the provisions of the will as to his average to succinct form the provisions of the will as to his executions of the provisions of the will as to his executions of the provisions of the will as to his executions of the prov